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Training Tracks

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Defender Orientation Conference

On July 12, 13, and 14, 2006 public defenders and defense investigators from across the state will attend the MPD's first annual statewide criminal defender training conference. This year's conference will serve as an orientation event for dozens of new attorneys and investigators who have recently joined the new statewide system, as well as the many dedicated professionals who have provided the backbone of indigent legal services in Montana for the past several decades.

The conference will begin with a welcome session on Wednesday evening hosted by Chief Montana Defender Randi Hood and Montana Public Defender Commission Chairman, Professor Jim Taylor. A top priority of the

initial session is to introduce defenders to the new professional practice standards which the Commission has proposed. Thereafter, over the course of the next two days, a faculty of distinguished professionals will share their personal insights into such topics as false confessions, mental health law, jury selection and legal ethics.

SUNWOLF, now a professor of communication at Santa Clara University, is a former criminal defense trial attorney, law school faculty member, defender trainer, and jury consultant. STEVE DRIZIN is the Director of the Center on Wrongful Convictions in Chicago. STEVE RENCH has taught trial preparation for years at every major trial college in the U.S. NELL EBY, a member of the

Canoe Paddler Band (Assiniboine Tribe of Fort Peck) is an expert in the area of cultural competency. An author and trial advocate, SUSAN STEFAN is professor of mental health law at the University of Miami Law School. SUSAN GONZALEZ's research in the field of adolescent and adult behavioral responses to fetal alcohol syndrome has been internationally recognized. BILL HOOKS is the former Chief Appellate Defender for Montana. KRISTINA NEAL is the Regional Deputy Defender for Region 8.

The keynote speaker, STEPHEN BRIGHT, Director, Southern Center for Human Rights, has been repeatedly honored for his "extraordinary, lifetime commitment to human rights."

Leadership Conference A Success

On June 1 and June 2, 2006 regional deputy public defenders from all 11 regions gathered at the University of Montana's Lubrecht Conference Center outside Missoula for an intensive two-day leadership and management education session. The conference — which identified administrative issues and problems all defender offices can anticipate

facing from the very first day of state assumption — gave the regional deputies and the central office senior staff an opportunity to get to know each other in a closed and focused environment. Several key experts from outside the Montana Defender helped guide the participants through the basics of problem recognition and solving, including ideas for efficient case management, identi-

fying practical approaches to achieving compliance with agency standards, and handling conflicts of interest. Randi and Eric extend special thanks to Colorado Deputy Alternate Defense Counsel Bert Nieslanik, former New Mexico Chief Public Defender Phyllis Subin, Wyoming Chief Public Defender Ken Koski, & Attorney Anita Roessman (MAP).



(Above) Bert Nieslanik talks to the regional public defenders at the June Leadership Conference

"Being a regional deputy defender is not about management or administration. It's about leadership!"

Bert Nieslanik
Deputy Director
Colorado Alternate
Defense Program

Investigator training August 25-27

The process of hiring a total of sixteen criminal defense investigators is complete. Each regional office now has at its command the services of at least one investigator. All investigators will be on the payroll by August 15 and will be available to provide much-needed case investigation assistance to defenders in all parts of the state. During the month of July several of the investigators will be placed in mentoring programs working

with more experienced investigators in other regions. These programs will serve to introduce both investigators and attorneys to the principles of teamwork and resource sharing which are integral to the success of the new defender system.

Following this initial orientation period all sixteen investigators will meet at the UM Lubrecht Conference Center on the weekend of August 25-27 for a more intense investigative workshop. As demonstrated by its "strategic

plan" the Montana Public Defender Commission and Chief Public Defender Randi Hood have made a commitment to ensuring that indigent defendants, juveniles, mentally disabled clients, and others entitled to defender services in every part of the state of Montana will now be able to access and utilize the services of trained, experienced investigators to assist Montana defenders in providing effective assistance of counsel.

Trial Training for New Defenders

More than 35 new trial lawyers have been hired recently to fill staff attorney positions around the state. Although several of the new hires are experienced criminal defense attorneys who have practiced actively in the private bar for many years, others are new to the practice of indigent representation.

As the first step in bringing these new lawyers into compliance with the Commission's practice standards, MPD is in the process of finalizing preparations for its first criminal trial practice school. We have been overwhelmed with offers of assistance from longtime, nationally prominent criminal trial lawyers, as well as numerous skilled Montana practitio-

ners. As a consequence we are looking forward to providing our new attorneys with trial practice instruction equal to the best they could possibly receive.

The trial school will be conducted in early September, shortly after the Labor Day weekend. Contact Eric or Randi if you have questions.

(Clockwise from far right) John Putikka, Dave Stenerson, Betty Carlson, Kris Copenhaver-Landon, Peter Ohman, Jeremy Gersovitz, IT specialist Diane Powers, and guest lecturer Phyllis Subin — at the Leadership Conference.

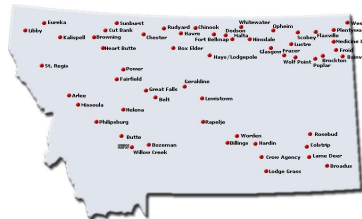


Defenders explore Vision Net Training Potential

One of the major challenges facing the Office of the Montana Public Defender is ensuring the smooth delivery of clear, coherent, and cost-effective communication between the component offices, regions, and individuals involved in the system.

Charged with responsibility for facilitating defender activities in even the most remote parts of the state, the central office must establish mediums of communication which will permit: (1) the smooth exchange of administrative and

statistical data between Butte and the regions; (2) the monitoring of specific developments in cases as



they occur; and (3) a program of meaningful training and education to individual staff members without

interfering unduly with daily activities.

In an attempt to accommodate the demands placed on all involved by geographic separation and shifting court calendars, MPD is working with the Vision Net videoconferencing program to develop convenient and "user-friendly" schedules for required training sessions.

As demonstrated by the map at left, videoconferencing sites exist within reasonable commuting distance from almost every Montana community.

"I don't like living in Orwell's 1984; but I do. And, absent the next extinction event or civil libertarians taking charge of the government (the former being more likely than the latter), the best we can do is try to keep [Uncle] Sam and the sub-Sams on a short leash."

Justice Nelson, affirming a warrantless search of the defendant's trash

Appellate Defenders to compile digest

Randi Hood announced last week that she has hired former district judge Jim Wheelis to serve as the new Chief Appellate Defender for Montana. Wheelis will assume his job responsibilities on August 1st.

Under the terms of the Commission's strategic plan, the newly restructured and refunded Appellate Defender office will be expanded to include five staff attorneys plus the

chief. The Chief Appellate Defender will be responsible for training his appellate staff and will also will provide critical input into the overall training of Montana trial defenders. Specifically, the Appellate Defender Office will be regularly involved in providing the central office staff with digests (summaries) of recently issued Montana Supreme Court decisions

relevant to defender practice. The digests will be indexed and placed on disk, thereby becoming available for immediate distribution to all regional and local offices and to contract attorneys upon request.

Individual appellate defenders (and also individual trial defenders) are encouraged to contact Eric if they wish to assist with research and training in specific topic areas.

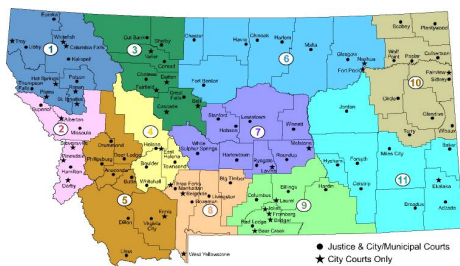
Alcohol & Drug Recovery Training

The Montana Public Defenders, in conjunction with representatives from "Alcoholics Anonymous" and numerous other statewide counseling and treatment organizations have begun developing programs aimed at educating defenders and support staff regarding the how the legal process can more effectively address "stories of

impairment and recovery" from the ravages of drug and alcohol abuse and addiction.

Currently underway is the development of a pilot panel discussion in the Helena region which would serve as a model for a more intensive regional or statewide program. Panel members for the discussion would be drawn from volunteers divided

between recovering attorneys and professionals as well as former clients of the indigent defense system, including parents who became involved in judicial proceedings as a direct or indirect consequence of their own alcohol and drug behaviors.



The Montana Public Defenders **Eleven Regions. One Mission.**

"To provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense." 47-1-101, MCA

Central office (Butte) 406-496-6080

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M.A.P. to Assist with Mental Health Training

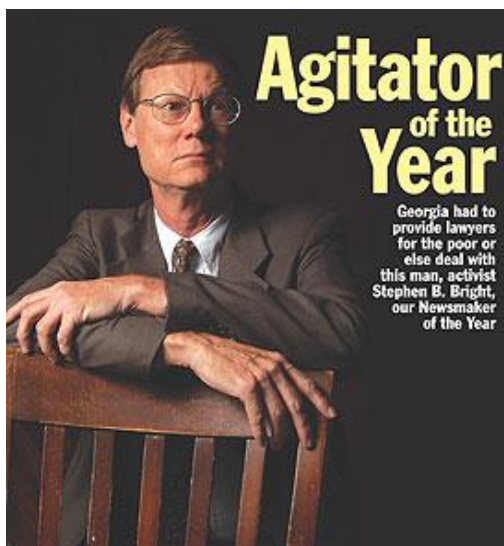
The Montana Public Defender Act imposes upon Montana Public Defenders responsibility for representing mentally impaired indigent clients in a number of criminal and non-criminal proceedings, including civil commitments and recommitments based on mental illness or developmental disability, and guardianship / conservatorship matters. In order to assist public defenders in securing the specific training necessary to fulfill the Commission Standards, the staff attorneys from the Montana Advocacy Program have agreed to assist MPD in developing a fast-track training program which should be available via DVD to all offices by early autumn.

**www.publicdefender
.mt.gov**

Steve Bright: a lifetime fighting for human rights

STEVE BRIGHT once likened the "meet 'em and plead 'em" lawyers of the Georgia public defender system to the fast food business. "These lawyers are not representing their clients," he told the Georgia legislature. "They're processing them like hamburger. You don't need a bar license to do that."

Strong-willed, opinionated, uncompromising, passionate, and ferociously independent, Bright has, for more than twenty-five years, fought selflessly for human rights, abolition of the death penalty, the right to effective counsel, and equal access to the law. His non-profit law firm, the Southern Center for Human Rights has, since 1982, advanced litigation, education, and advocacy to protect civil, constitu-



Stephen B. Bright, Director of the Southern Center for Human Rights in Atlanta.

tional, and human rights for all defendants, including prisoners and those facing the ultimate sanction of judicially imposed death.

Most agree that it was principally Bright's strident attack on the historically pernicious way in which Georgia counties provided public defender services to poor people which led to a sweeping reform of the system in 2003. As a result every Georgia judicial circuit is now required to have a full time public defender office in place.

Bright is a frequent lecturer in constitutional law at many of the nation's foremost law schools, including Yale, Harvard, and the University of Chicago.

We are honored that Steve will join us in Bozeman as our featured guest and keynote speaker.